

SEP 27 2018

**CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS**

BY [Signature]
DEPUTY

SHIYAN JIANG,

Plaintiff,

V.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY and
KIM WILSON, *individually and in her
capacity as Director of Water Availability,*

Defendants.

1:17-CV-739-RP

VERDICT FORM

PART 1: Plaintiff Jiang's Claims Against Defendant TCEQ

QUESTIONS 1a and 1b

(First Cause of Action: Title VII and TCHRA Race and National Origin Discrimination)

Question 1a: Has Plaintiff Jiang proved that his race or national origin was a motivating factor in Defendant TCEQ's decision to terminate him?

Answer "Yes" or "No." If "Yes," specify whether the motivating factor was "race," "national origin," or "both."

Answer: no

Question 1b: Has Defendant TCEQ proved that it would have made the same decision to terminate Plaintiff Jiang even if it had not considered his race or national origin?

Answer "Yes" or "No."

Answer: yes

Proceed to Question 2.

QUESTION 2

(Second Cause of Action: TCHRA Age Discrimination)

Question 2: Has Plaintiff Jiang proved that his age was a motivating factor in Defendant TCEQ's decision to terminate him?

Answer "Yes" or "No."

Answer: no

Proceed to Question 3.

QUESTION 3

(Third Cause of Action: Title VII and TCHRA Retaliation)

Question 3: Has Plaintiff Jiang proved that he would not have been terminated but for his April 21, 2016, discrimination complaint?

Answer "Yes" or "No."

Answer: no

Proceed to Question 4 only if you:

- Answered "Yes" to Question 1a and "No" to Question 1b; **OR**
- Answered "Yes" to Question 2; **OR**
- Answered "Yes" to Question 3.

Otherwise, do not answer Questions 4 or 5 and proceed to Part 2.

QUESTION 4

(Compensatory Damages—Claims Against TCEQ)

Question 4: What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Plaintiff Jiang for his damages, if any, that you find Defendant TCEQ caused him?

Answer in dollars and cents for the following items and none other.

1. Back pay and employee benefits from May 24, 2016, through today.

Answer: _____

2. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: _____

3. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: _____

Proceed to Question 5.

QUESTION 5

(Mitigation of Damages—Claims Against TCEQ)

Question 5: Do you find that Plaintiff Jiang failed to reduce his damages through the exercise of reasonable diligence in seeking, obtaining, and maintaining substantially equivalent employment after the date of his termination?

1. Answer "Yes" or "No."

Answer: _____

If you answered "Yes" to Question 5, how much would Plaintiff Jiang have earned had he exercised reasonable diligence under the circumstances to minimize his damages?

Answer in dollars and cents.

Answer: _____

Proceed to Part 2.

PART 2: Plaintiff Jiang's Claims Against Defendant Wilson

QUESTIONS 6a, 6b, and 6c

(Fourth Cause of Action: Section 1981 Race Discrimination)

Question 6a: Has Plaintiff Jiang proved that Defendant Wilson violated the Plaintiff Jiang's clearly established right not to be discriminated against on the basis of race by terminating his employment on May 24, 2016?

Answer "Yes" or "No."

Answer: no

Question 6b: Do you find that Defendant Wilson is entitled to qualified immunity?

Answer "Yes" or "No."

Answer: yes

Question 6c: Has Defendant Wilson proved that she would have made the same decision to terminate Plaintiff Jiang even if she had not considered his race?

Answer "Yes" or "No."

Answer: yes

Proceed to Questions 7a and 7b.

QUESTIONS 7a and 7b

(Fifth Cause of Action: Section 1981 Retaliation)

Question 7a: Has Plaintiff Jiang proved that Defendant Wilson violated the Plaintiff Jiang's clearly established right not to face retaliation for making a complaint of discrimination?

Answer "Yes" or "No."

Answer: no

Question 7b: Do you find that Defendant Wilson is entitled to qualified immunity?

Answer "Yes" or "No."

Answer: yes

Proceed to Questions 8 through 10 only if you:

- Answered "Yes" to Question 6a and "No" to both Questions 6b and 6c; **OR**
- Answered "Yes" to Question 7a and "No" to Question 7b.

Otherwise, do not answer Questions 8 through 10.

QUESTION 8

(Compensatory Damages—Claims Against Wilson)

Question No. 8: What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Plaintiff Jiang for his damages, if any, that you find Defendant Wilson caused him?

Answer in dollars and cents for the following items and none other.

1. Back pay and employee benefits from May 24, 2016, through today.

Answer: _____

2. Past pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: _____

3. Future pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life.

Answer: _____

Proceed to Question 9.

QUESTION 9

(Mitigation of Damages—Claims Against Wilson)

Question 9: Do you find that Plaintiff Jiang failed to reduce his damages through the exercise of reasonable diligence in seeking, obtaining, and maintaining substantially equivalent employment after the date of his termination?

1. Answer "Yes" or "No."

Answer: _____

If you answered "Yes" to Question 9, how much would Plaintiff Jiang have earned had he exercised reasonable diligence under the circumstances to minimize his damages?

Answer in dollars and cents.

Answer: _____

Proceed to Question 10.

QUESTION 10

(Punitive Damages—Claims Against Wilson)

Question 10: Has Plaintiff Jiang proved that he should be awarded punitive damages?

Answer "Yes" or "No."

Answer: _____

If you answered "Yes" to Question 10, what sum of money should be assessed against Defendant Wilson as punitive damages?

Answer in dollars and cents.

Answer: _____

VERDICT OF THE JURY

We, the jury, have unanimously agreed to the answers to the attached questions and return such answer in open court, and under the instructions of the Court, as our verdict in this cause.

ORIGINAL SIGNATURE
REDACTED PURSUANT TO
E-GOVERNMENT ACT OF 2002

FOREPERSON

9/27/2018

DATE